

## REMARKS

Applicant respectfully requests reconsideration of the present application.

### Office Action Rejections Summary

Claims 1-4 and 7-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,363,065 of Thornton et al. ("Thornton").

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton in view of U.S. Patent No. 6,075,942 of Cartwright Jr. ("Cartwright").

### Status of Claims

Claims 1-21 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

### Claim Rejections

Claims 1-4 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,363,065 of Thornton et al. ("Thornton"). In response to the Applicant's arguments, the Office Action states:

Regarding the argument traversing the rejection of Claim 1 that T1AB is not a "software module" but rather a "process" as noted by the Key on Figure 5, the **examiner defers to the definition of a "process" as defined by Newton's Telecom Dictionary**. Newton's Telecom Dictionary presents the definition of a process as:

**"Process** A software application. Any activity or systematic sequence of operations that produces a specified result. Typically, a computer function that consists of, or involves, procedure code, data storage and an interface for communicating with other processes."

The definition clearly defines a process as a software application.

(12/9/05 Office Action, pp. 8-9)(emphasis added).

Applicant respectfully disagrees with the Office Action's analysis and characterization of the disclosure of Thornton. Specifically, the Office Action's deference to a dictionary definition is inapposite. It is respectfully submitted that the Office Action **cannot use a dictionary to provide a definition of a patent reference term that is contrary to a definition provide by the reference itself**. Thornton explicitly defines a "process" as "an independent execution entity of which the system operating system is aware. A process can contend for system resources then controlled by the operating system, such as, e.g., the processor, memory and input/output (I/O) access." (Thornton, col. 21, lines 56-60). It is respectfully submitted that the Office Action cannot use a dictionary (or other reference) to define a "process" as meant by Thornton to be any different than how it is explicitly defined in Thornton.

As previously noted, T1AB 575 is a "process" (as noted by the Key on Figure 5 of Thornton) which is distinguished from a software module that is represented by a rectangular box in the Key on Figure 5. Accordingly, T1AB 575 is not "software" in gateway 200 of Thornton. It is, again, submitted that the Office Action cannot characterize the teachings of Thornton contrary to what is explicitly disclosed in Thornton.

If the Examiner continues to maintain his rejection, the Examiner is respectfully requested to provide legal citation that supports his purported ability to define a reference term contrary to how it is defined in the reference itself.

The Office Action also asserts:

The examiner maintains that as a program, it can be modified and is therefore programmable. Thornton clearly states this in col. 25 lines 5-11 which cites:

"As noted above, software updates, such as to a driver or process, can be provided, via user entered telnet commands, through FTP process 529 to the system. Any such update, in the form of replacement code, is written, through use of flash programming module 523, into flash memory 205 (see FIG. 2) and, as such, overwrites a corresponding prior version of the code."

Since the TIAB “process” is a software application and Thornton discloses software updates to a process, it is clear that the TIAB process is programmable. Thornton does not disclose the replacement of a whole module after its initial construct, only updates which is in the form of replacement code.

(12/9/05 Office Action, pp. 8-9)

It is submitted that the col. 25, lines 5-11 passage that the Office Action cites to describes the operation of the flash memory 205 and flash programming module 523 in data section 510 and does **not** pertain to the operation of the call processing section 550 and, thus, does not pertain to the TIAB 575 process within the call processing section 550. Data section 510 controls transmission and reception of packetized traffic over a LAN connection to the gateway. Whereas, call processing section 550 manages the H.323 environment in which the gateway functions. (Thornton, col. 22, lines 3-26). The TIAB 575 process is not software and, moreover, is **not** disclosed as being programmable software. It is respectfully submitted that the Office Action cannot misapply a disclosure regarding the flash memory and flash programming module 523 of the data section 510 to the TIAB 575 process within the call processing section 550.

Nothing in Thornton discloses that TIAB 575 is a “programmable CAS module” as recited in claim 1. Moreover, the Office Action’s reasoning that “software is programmable” therefore any software module must be “programmable” is inapposite. It is well known by those of ordinary skill in the art, and supporting in the description of the present application, that a “programmable” module is one that may be programmed after its initial construct. In contrast, a module (i.e., non-programmable) is one that cannot be programmed after its initial construct and must be replaced with a new module. (See pages 1 and 4 of the present application).

Therefore, it is submitted that Thornton does not disclose a “programmable CAS module” as recited in claim 1 and, thus, claim 1 is patentable over Thornton. It is submitted that claims 2-4 are also patentable over Thornton because claims 2-4 depend from and, therefore, include the limitations of claim 1.

Claims 5-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton as applied to claims 1-4 above, in view of Cartwright. Claims 5-6 depend from and, therefore, include the limitations of claim 1. It is submitted that Cartwright fails to cure the deficiencies of Thornton noted above with respect to claim 1 and, therefore, claims 5-6 are patentable over Thornton in view of Cartwright.

Claims 7-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by Thornton. It is submitted that claim 7 is patentable over Thornton. Claim 7 recites:

A method comprising:

allowing a user to define a state, an event, or an action of a telephony protocol;

downloading the user defined state, event, or action to a channel associated signal (CAS) engine; and

**changing a telephony protocol of the CAS engine** corresponding to idle telephone lines associated with the CAS engine based on the user defined state, event, or action.

(emphasis added)

In response to the Applicant's arguments, the Office Action states:

Regarding the limitation "changing a telephony protocol of the CAS engine", the CAS engine is shown through Figure 5 by the T1AB process which uses A B bits of Call Associated Signaling. This is explicitly disclosed by Thornton in column 27 lines 33-37 cited as:

"T1AB process 575 interacts, through AB bit driver 591, with individual signaling bits A, B provided in CAS and converts the signaling information contained in these bits into a representation usable by the call handler." . . .

The limitation of "CAS engine corresponding to idle telephone lines associated with the CAS engine" is referenced in Figure 10 by the Peer Border Element Manager 960 which operates from the initial idle state 1010 along with a series of defined states. This is the initial state to which the CAS engine must match at the initial start of the call and thus is associated to the CAS engine.

(12/9/05 Office Action, page 10).

It is submitted that the T1/E1 communications links utilize CAS signaling and, in so doing, converts the signal bits provided in CAS into a representation usable by the call handler. Be that as it may, the conversion of signaling information contained in signaling bits provided in CAS is not the same as “changing a telephony protocol of a CAS engine.” The Office Action has provide no analysis or explanation of how it can interpret such call processing to be the same as changing a telephony protocol of a CAS engine. It is submitted that the description in col. 33, line 26 to col. 34, line 38 discusses the CAS manager 830. Nothing in this description discloses that a protocol of the CAS manager 830 may be changed, let alone, that a telephony protocol of the CAS manager may be changed corresponding to telephone lines associated with the CAS engine based on the user defined state, event, or action.

The Office Action asserts that:

The limitation of “CAS engine corresponding to idle telephone lines associated with the CAS engine” is referenced in Figure 10 by the Peer Border Element Manager 960 which operates from the initial idle state 1010 along with a series of defined states. This is the initial state to which the CAS engine must match at the initial start of the call and thus is **associated to** the CAS engine.

(12/9/05 Office Action, page 11)(emphasis added).

It is submitted that the Peer Border Element Manager 960 is not associated with CAS manager 830. Moreover, for the sake of argument, the Office Action’s purported association (i.e., “associated to”) of the Peer Element Manager 960 to CAS manager 830 does not disclose that the Peer Element Manager 960 changes a telephony protocol of the CAS manager 830 corresponding to idle telephone lines associated with the CAS manager based on the user defined state, event, or action. Nothing in Thornton discloses “changing a telephony protocol of the CAS engine corresponding to idle telephone lines associated with the CAS engine based on the user defined state, event, or action” as recited in claim 7. Therefore, it is submitted that claim 7 is patentable over Thornton.

It is submitted that claims 8-11 are also patentable over Thornton because claims 8-11 depend from and, therefore, include the limitations of claim 7.

For reasons similar to those given above in regards to claim 7, it is submitted that claims 12-21 are patentable over Thornton.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.

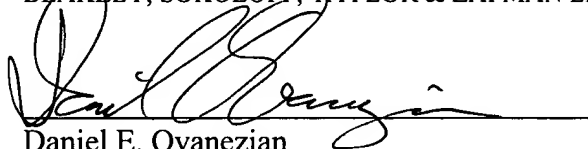
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5/1, 2006

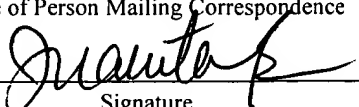
  
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